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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,912	08/26/2003	Heemyoung Park	FIS920030026US1	1911

29154 7590 06/18/2009
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EXAMINER

KEBEDE, BROOK

ART UNIT	PAPER NUMBER
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2894

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06/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10604912	8/26/03	PARK ET AL.	FIS920030026US1

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20090615

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Commissioner for Patents

The instant application is remanded back to the Examiner by Board of Patent Appeals and interference for inconstancy of claim 9 between the Appeal Brief filed on November 17, 2006 and the amendment dated filed April 18, 2006 as set forth below:

On November 17, 2006, appellants filed an Appeal Brief. A review of the file reveals that claim 9 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed on April 18, 2006. The Appeal Brief Appendix of Claims (claim 9, page 39, line 7) reads: "forming spacers with a target spacer width adjacent to said gate, wherein in order..." However, the Amendment dated April 18, 2006 (claim 9, page 5, line 7-8) reads: "forming spacers with a target spacer width adjacent to said gate stack, wherein in order..." Appropriate correction required.

Accordingly, the Examiner contacted Ms. Pamela M. Riley, Esq., attorney for Applicants, discussed the issue and suggests Applicants to file a miscellaneous letter that includes the "Appendix of Claims" in order to correct the claim in question.

/Brook Kebede/

Primary Examiner, Art Unit 2894